

1507 - 21st Street, Suite 330
Sacramento, California 95814
Telephone: (916) 445-2080
Contact Person: Kathy Tomono
www.nmvb.ca.gov

STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A

GENERAL MEETING

New Motor Vehicle Board
Hearing Room #1
1507 21st Street, Suite 330
Sacramento, California 95814
(916) 445-2080

November 20, 2001

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, you may want to attend.

1. **8:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Approval of the Minutes from the September 6, 2001, General and Special meetings, and September 25, 2001, Special meeting.**
4. **Presentation of Resolution to Sam W. Jennings, former Executive Secretary/Chief Administrative Law Judge.**
5. **Consideration of Ford Motor Company's request for an extension of time to own and operate Peninsula Ford of Burlingame, Inc., in preparation for a sale to a successor independent franchisee in compliance with Vehicle Code section 11713.3(o)(2)(A).**
6. **Consideration of Ford Motor Company's request for an extension of time to own and operate South Coast Motorcars, Inc., dba Studio City Volvo, in preparation for a sale to a successor independent franchisee in compliance**

with Vehicle Code section 11713.3(o)(2)(A).

7. Consideration of Request that the Board consider Ruling.

CALABASAS MOTORCARS, INC. vs. VOLVO CARS OF NORTH AMERICA, INC.
Protest No. PR-1771-01

Consideration of Volvo Cars of North America's request that the Board consider the Administrative Law Judge's "Ruling on Respondent's Motion to Reject Protest for Lack of Jurisdiction," by the Public members of the Board.

8. Ruling on Motion to Reject Protest (If the Board grants Volvo's request in Agenda item 7).

CALABASAS MOTORCARS, INC. vs. VOLVO CARS OF NORTH AMERICA, INC.
Protest No. PR-1771-01

Consideration of the Administrative Law Judge's "Ruling on Respondent's Motion to Reject Protest for Lack of Jurisdiction," by the Public members of the Board.

9. Consideration of Mazda Motor of America, Inc.'s request to extend the franchise incentive audit period beyond eighteen (18) months for Selma Mazda under Vehicle Code section 3065.1.

10. Consideration of whether to file a Notice of Appeal.

MAZDA MOTOR OF AMERICA, INC. vs. CALIFORNIA NEW MOTOR VEHICLE BOARD; DAVID J. PHILLIPS BUICK PONTIAC, INC., DBA DAVID J. PHILLIPS MAZDA
Sacramento County Superior Court, Case No. 01CS01045

Consideration of whether to file a Notice of Appeal in the above-referenced matter in light of the Sacramento County Superior Court's Judgment Granting Mazda Motor of America, Inc.'s Petition for Writ of Administrative Mandate, Prohibition or Other Appropriate Relief, by the Public members of the Board.

11. First consideration of Petition pursuant to Section 557 of Title 13 of the California Code of Regulations.

BOB BAKER CADILLAC - CARLSBAD, dba BOB BAKER SUBARU vs. SUBARU OF AMERICA, INC.
Petition No. P-441-01

First consideration by the Public members of the Board pursuant to Title 13, California Code of Regulations, section 554, et seq.

12. **Consideration of request that the Board order Subaru of America, Inc., to immediately issue an Occupational Licensing Branch Form No. OL-124.**

BOB BAKER CADILLAC - CARLSBAD, dba BOB BAKER SUBARU vs. SUBARU OF AMERICA, INC.

Petition No. P-441-01

Consideration of Petitioner's request that the Board issue an order directing Subaru of America, Inc., to immediately provide to Bob Baker Subaru an Occupational Licensing Branch Form No. OL-124 allowing the dealership to temporarily relocate, by the Public members of the Board.

13. **Lunch Break (12:00 p.m. to 1:30 p.m.)**
14. **Status report concerning manufacturer and distributor compliance with the Board's request that statutorily mandated notices, schedules, or formulas be filed with the Board (Vehicle Code sections 3064, 3065, and 11713.3(o)) - Administration Committee.**
15. **Status report concerning how the Board staff can improve manufacturer and distributor compliance with Board requests for statutorily required information - Executive Committee.**
16. **Consideration of Employee Recognition Award recipient as selected by the Board Development Committee.**
17. **Status report concerning the Board's financial condition through the 1st quarter of fiscal year 2001-2002 - Fiscal Committee.**
18. **Consideration of *New Motor Vehicle Board Dispute Resolution Guide for Administrative Law Judges and Others* which may be used in preparing orders, proposed decisions/rulings, case summaries, and the like - Policy and Procedure Committee.**
19. **Consideration of revised text of proposed rulemaking concerning the Board's Conflict of Interest Code - Policy and Procedure Committee.**
20. **Discussion concerning Legislation - Policy and Procedure Committee.**
 - a. **Legislation that impacts the Board.**

Senate Bill 734 - Chaptered October 5, 2001.

- b. Pending Legislation that impacts the Board.**
 - (1) Senate Bill 774.
 - (2) House of Representatives Bill 1296.
 - c. Legislation of general interest.**

Senate Bill 481 - Chaptered October 3, 2001 .
 - d. Pending Legislation of general interest.**

Senate Bill 91.
- 21. **Annual report of Board and staff participation in the 2001 United California State Employees Campaign.**
 - 22. **Selection of Board meeting dates for 2002.**
 - 23. **Executive Director's Report.**
 - a. Administrative Matters.
 - b. Status of Protests.
 - c. Status of Petitions.
 - d. Status of Appeals.
 - e. Judicial Review.
 - f. Notices Filed Pursuant to Vehicle Code Sections 3060 and 3062.
 - g. Other.
 - 24. **Closed Executive Session.**

Pursuant to Government Code section 11126(a)(1), the Board shall convene in a closed Executive Session.

 - a. Annual performance review of senior management staff - Executive Committee.**
 - b. Consideration of the General Counsel nominee - Executive Committee.**
 - 25. **Open Session.**
 - 26. **Adjournment.**